

**REMARKS**

Claims 1 through 18 are pending in this application. Claims 13 and 14 are hereby canceled, and claims 1, 10 and 11 are hereby amended.

The drawings are objected to for failing to comply with 37 C.F.R. §1.84(p)(4) and §1.84(p)(5). Accordingly, FIGs. 1, 9, 14 and 20, are hereby amended as indicated by the attached marked-up copies of drawings sheets 1 and 2. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Claims 1, 2, 4, 7, 8 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art in view of U.S. Patent No. 5,471,209 to Sutterlin, et al. ("Sutterlin, et al. patent"). Also, claims 11, 12 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,768,315 to Mittel, et al. ("Mittel, et al. patent") in view of Sutterlin.

In addition, claims 3, 6, 9, 13 through 16 and 18 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The above Office Action states that, in regard to claims 3, 6, 9, 15, 16 and 18, the prior art of record does not suggest that the instability generator is comprised of a D flip-flop and, in regard to claims 13 and 14, the prior art of record does not disclose specific applications for using the communications device.

In view of the above statement in the above Office Action, independent claims 1 and 10 are amended to provide at least one instability generating including a flip-flop and independent claim 11 is amended to provide that the communication device comprises a two-way radio, a two-way pager, a radiotelephone, or a one-way pager. Amended claims 1, 10 and 11 distinguish patentably from the Sutterlin, et al. patent, the Mittel, et al. patent, and the combination of these patents.

Claims 2 through 9, 12 and 15 through 18 depend from and include all limitations of independent claims 1, 10 and 11 as amended. Therefore, claims 2 through 9, 12 and 15 through 18 distinguish patentably from the Sutterlin, et al. patent, the Mittel, et al. patent, and the combination of these patents for the reasons stated above for claims 1, 10 and 11.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 12 and 15 through 18 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Please charge any fees associated with, including extension of time fees, to Deposit Account 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Please forward all correspondence to:  
Motorola, Inc.  
Law Department (HDW)  
600 North US Highway 45, AN475  
Libertyville, IL 60048

Respectfully submitted,  
Mittel, James Gregory

 05/05/03

Hisashi D. Watanabe Date  
Attorney for Applicant(s)  
Registration No. 37,465  
Telephone: (847) 523-2322  
Facsimile: (847) 523-2350